

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JENNIFER ECKHART,

Plaintiff,

v.

FOX NEWS NETWORK, LLC, *et al.*,

Defendants.

USDC-SDNY
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20-CV-5593 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Rule 15 of the Federal Rules of Civil Procedure permits a party to “amend its pleading once as a matter of course within . . . 21 days after service of a motion under Rule 12(b)” Fed. R. Civ. P. 15(a)(1). Rule 15 also allows a party to amend its pleading with leave of the Court, which the Rules instruct should be “freely give[n] . . . when justice so requires.” Fed. R. Civ. P. 15(a)(2). Eckhart has twice before amended her complaint, albeit once in light of the Court’s severance of her claim from that of Cathy Areu, Dkt. 77, and once upon receiving the Court’s assurance that the amendment would not extinguish her right to amend “once as a matter of course.” Dkt. 38; *see* Dkt. 40 at Tr. 18:2–14 (approving Areu’s request to amend Plaintiffs’ joint complaint and confirming that this would not affect Eckhart’s right to amend her complaint following the receipt of a motion to dismiss). She now seeks to again amend her complaint in response to Defendants’ motions to dismiss, which were filed on October 19, 2020. Dkts. 83, 89. Defendants contest whether Eckhart may do so, given that she has already amended her complaint twice. Dkts. 108, 110.

In light of the fact that this would be Eckhart's first substantive amendment to the complaint, the Court will, as it indicated at the August 28th conference, allow her to amend again at this time. She has until November 9, 2020 to do so.

SO ORDERED.

Dated: November 4, 2020
New York, New York



RONNIE ABRAMS
United States District Judge